

**IN THE COURT OF APPEALS  
FIRST APPELLATE DISTRICT OF OHIO  
HAMILTON COUNTY, OHIO**

STATE OF OHIO,	:	APPEAL NOS. C-110196
		C-110266
Plaintiff-Appellee,	:	TRIAL NOS. B-1001367
		B-0907263
vs.	:	
PERRIN BURSE,	:	<i>JUDGMENT ENTRY.</i>
Defendant-Appellant.	:	

We consider these consolidated appeals on the accelerated calendar. This judgment entry is not an opinion of the court. See S.Ct.R.Rep.Op. 2; App.R. 11.1(E); 1st Dist. Loc.R. 11.1.1.

Following a jury trial, defendant-appellant Perrin Burse appeals his convictions for theft by deception and theft from an elderly victim. Beginning in 2006, Burse had induced nine victims to enter into a “Partnership Agreement” with him. The victims, including his mechanic, his former neighbors, and members of his church, deposited tens of thousands of dollars into Burse’s unlicensed equity fund. Burse had led the victims to believe that he would invest their deposits in stocks and bonds and other “investments for the purpose of financial gain.” He promised large returns. But Burse squandered the funds on personal expenses and automotive parts for his own automobile business.

In his single assignment of error, Burse challenges the weight of the evidence adduced at trial to support his convictions. Our review of the record fails to persuade us that the jury, sitting as the triers of fact, clearly lost its way and created such a manifest

miscarriage of justice that the convictions must be reversed and a new trial ordered. *See State v. Thompson*, 78 Ohio St.3d 380, 678 N.E.2d 541 (1997).

As the weight to be given the evidence and the credibility of the witnesses was for the jury to determine, the jury was entitled to reject Burse's theory that the agreement signed by his victims gave him complete control of the funds deposited and thus empowered him to spend the funds in any manner he saw fit. *See State v. DeHass*, 10 Ohio St.2d 230, 227 N.E.2d 212 (1967), paragraph one of the syllabus. The state presented ample evidence that Burse knowingly had made false and misleading representations about his lack of professional qualifications, about his prior theft conviction, about the nature of the agreement signed by the victims, and about his plan to use the deposited funds for his own personal gain. Burse depleted the victims' funds within weeks of their being deposited. He continued the deception by sending the victims false and misleading invoices claiming substantial returns on their investments. The assignment of error is overruled.

Therefore, the trial court's judgments are affirmed.

A certified copy of this judgment entry shall constitute the mandate, which shall be sent to the trial court under App.R. 27. Costs shall be taxed under App.R. 24.

**SUNDERMANN, P.J., CUNNINGHAM and FISCHER, JJ.**

To the clerk:

Enter upon the journal of the court on August 31, 2012

per order of the court \_\_\_\_\_.  
Presiding Judge